



## FISCAL MEMORANDUM

### SB 2240 - HB 2335

March 21, 2022

**SUMMARY OF BILL AS AMENDED (015936):** Prohibits a health care provider to prescribe buprenorphine for use in recovery or medication-assisted treatment via telehealth, with certain allowable exceptions.

### FISCAL IMPACT OF BILL AS AMENDED:

#### NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 56-7-1002(7) telehealth means the use of real-time, interactive audio, video telecommunications or electronic technology, or store-and-forward telemedicine services.
- Per the language of this legislation, it is forbidden for a health care provider to prescribe buprenorphine via telehealth unless said provider is employed or contracted with:
  - A licensed nonresidential office-based opiate treatment facility or licensed nonresidential opioid treatment program, as defined in Tenn. Code Ann. § 33-2-402;
  - A community mental health center, as defined in Tenn. Code Ann. § 33-1-101;
  - A federally qualified health center, as defined in Tenn. Code Ann. § 63-10-601;
  - or
  - A hospital licensed under title 68 or 33; or
  - The Bureau of TennCare's comprehensive enhance buprenorphine treatment network; and
  - The delivery of telehealth is being provided on behalf of the entity that employs or contracts with the provider.
- This prohibition, as well as the stated exceptions, are not expected to significantly impact state, federal, or local government expenditures.
- The Division of TennCare Managed Care Organizations (MCOs) currently cover telehealth and the proposed legislation does not change the definition of medical necessity as it relates to buprenorphine products. Therefore, the proposed legislation will not have a fiscal impact to MCOs.
- The Division of Benefits Administration's State Group Insurance Plan (SGIP) currently covers telehealth visits, and the proposed legislation is not requiring a change in its coverage regarding buprenorphine products. Therefore, the proposed legislation will not have a fiscal impact to SGIPs.

- The proposed legislation will not have any significant impact to the Department of Commerce and Insurance.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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